

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD JANUARY 20, 2004 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

REVIEW OF COMMITTEES AND CITIZEN AT LARGE APPOINTMENTS

The Board of Supervisors discussed Citizen at Large committee appointments and decommissioning or restructuring of the following Board-appointed committees¹:

- Affordable Housing
- Service District Committees
- Historic Resources
- Agricultural Advisory
- Economic Development Advisory
- Tourism Advisory
- Capital Improvements Program
- Armory Board
- Emergency Services Task Force
- Teachers' Compensation Task Force

CONSTITUTIONAL OFFICERS' SUPPLEMENTAL PAY AGREEMENT

Jonathan S. Lynn, Commonwealth's Attorney, discussed proposed changes to the Constitutional Officers' Supplemental Pay Agreement.

The meeting was reconvened in Regular Session at 6:30 p.m. at the Warrenton Community Center.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

¹ The Agricultural Advisory Committee, the Economic Development Advisory Committee and the Tourism Advisory Committee were not abolished and will continue to work with the County staff, but will no longer serve as Board-appointed committees.

- Remove Consent Agenda item “a”, Approval of the Minutes for the December 15, 2003 Regular Meeting and January 5, 2004 Organizational Meeting of the Fauquier County Board of Supervisors, and add as Regular Agenda item #2.
- Remove Consent Agenda item “b”, A Resolution to Abolish Certain Boards, Committees and Task Forces Appointed by the Fauquier County Board of Supervisors in Order to Streamline the Effective Operation of County Government, and add as Regular Agenda item #3.
- Renumber Consent Agenda items “c”, “d”, “e”, “f”, and “g” as Consent Agenda items “a”, “b”, “c”, “d”, and “e”, respectively.
- Renumber Regular Agenda item #2, Consider Whether to Request the Town of Warrenton to Adjust the Boundary Line Between the Town of Warrenton and the County to Incorporate a Proposed Home Depot Site, as Regular Agenda item #4.

CITIZENS’ TIME

- Jon Whichard, Center District, requested that the Virginia Department of Transportation raise a berm to reduce noise from traffic on the Route 29 bypass, repair potholes, and install signage posting the Fauquier County noise ordinance, and, further, that the County enforce the noise ordinance.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented A Proclamation to Recognize Earl H. Douple, Jr. for His Outstanding Service to the Citizens of Fauquier County Upon the Occasion of His Departure from Fauquier County Water and Sanitation Authority Board.
- Mr. Downey announced A Proclamation to Recognize Kenneth M. Haught for His Outstanding Service to the Citizens of Fauquier County Upon the Occasion of His Departure from Fauquier County Water and Sanitation Authority Board.

CONSENT AGENDA

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

A Resolution of the Board of Supervisors of the County of Fauquier, Virginia Approving the Issuance of Bonds by the Industrial Development Authority of the County of Fauquier, Virginia for the Benefit of Native American Industries, Inc.

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA APPROVING THE ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF FAUQUIER, VIRGINIA FOR THE BENEFIT OF NATIVE AMERICAN INDUSTRIES, INC.

WHEREAS, the Industrial Development Authority of the County of Fauquier, Virginia (the "Authority") has considered the application of Native American Industries, Inc. (the "Applicant") requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$4,000,000 (the "Bonds") to assist in the financing of the Applicant's acquisition, construction and equipping of two single story buildings totaling approximately 50,000 square feet for use in the manufacturing of traffic signals to be located on Lots 1 and 1a (approximately 3.88 acres total) near the intersection of Kennedy Road and Burrough Drive, in the Vint Hill Economic Development Authority Commercial Real Estate Development Project in Vint Hill, Virginia (the "Project"), and has held a public hearing on December 9, 2003;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Fauquier, Virginia (the "County"), the Project is to be located in the County and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing held in connection therewith and a Fiscal Impact Statement have been filed with the Board; now, therefore, be it

RESOLVED by the Board of Supervisors of the County of Fauquier, Virginia this 20th day of January, 2004, that the Board approves the issuance of the Bonds by the Authority for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to permit the Authority to assist in the financing of the Project;

RESOLVED FURTHER, that the approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Applicant; and

RESOLVED FINALLY, that this resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Fauquier, Virginia this 20th day of January 2004.

G. Robert Lee
Clerk, Board of Supervisors of
The County of Fauquier, Virginia

[SEAL]

At a regular meeting of the Board of Supervisors of the County of Fauquier, Virginia, held on the 20th day of January, 2004, the following members were recorded as present:

PRESENT:

Mr. Harry F. Atherton
Mr. Raymond E. Graham
Mr. William G. Downey
Mr. Richard W. Robison
Mr. Chester W. Stribling

On motion by Raymond E. Graham, seconded by William G. Downey, the attached Resolution was adopted by a majority of the members of the Board of Supervisors by a roll call vote, the votes being recorded as follows:

Ayes:	Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays:	None
Absent During Vote:	None
Abstention:	None

A Resolution to Approve Acceptance of the Remaining 0.13 Mile of Heddings Road (State Route 794) to the Secondary System of State Highways

RESOLUTION

A RESOLUTION TO APPROVE ACCEPTANCE OF THE REMAINING 0.13 MILE OF HEDDINGS ROAD (STATE ROUTE 794) TO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, in 1947 the Virginia Department of Transportation accepted 1.0 mile of Heddings Road (State Route 794) for maintenance in accordance with a resolution of the Board of Supervisors; and

WHEREAS, a discrepancy exists between the 1.0 miles originally accepted in 1947 and the 1.13 miles actually being maintained; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, the Warrenton Residency has requested that the County acknowledge the Residency's representation that the additional 0.13 mile of Heddings Road has been continuously maintained for a period in excess of 20 years; and

WHEREAS, the Warrenton Residency has asserted that the continuous maintenance of the additional 0.13 mile of Heddings Road constitutes conclusive evidence that the additional portion of the right-of-way is a public road, pursuant to Section 33.1-184 of the Code of Virginia; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described street of approximately 0.13 mile in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-184, Code of Virginia; and, be it

RESOLVED FURTHER, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Consider Preliminary Plat #PPLT04-SC-002 – New Baltimore Knolls

No action was taken.

A Resolution to Request the Virginia General Assembly to Include Funding in the State Budget to Support the Historic Preservation of Monroe Park

RESOLUTION

A RESOLUTION TO REQUEST THE VIRGINIA GENERAL ASSEMBLY TO INCLUDE FUNDING IN THE STATE BUDGET TO SUPPORT THE HISTORIC PRESERVATION OF MONROE PARK

WHEREAS, the General Assembly has designated Monroe Park as the official Gold Mining Interpretive Site for the Commonwealth of Virginia; and

WHEREAS, Fauquier County has acknowledged the value of Monroe Park as both a community recreational asset and an economic development asset for its tourism value; and

WHEREAS, the Board of Supervisors has committed \$1,900,000 toward the further development of Monroe Park; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the Board of Supervisors' 2004 Legislative Proposals be, and are hereby, amended to include a request for \$250,000 from the General Assembly to help assure that adequate funding is available for the development of Monroe Park.

A Resolution to Amend the Fauquier County Board of Supervisors' 2004 Legislative Proposals to the Virginia General Assembly to Include Additional Proposals by the Fauquier County Public Schools

RESOLUTION

A RESOLUTION TO AMEND THE FAUQUIER COUNTY BOARD OF SUPERVISORS' 2004 LEGISLATIVE PROPOSALS TO THE VIRGINIA GENERAL ASSEMBLY TO INCLUDE ADDITIONAL PROPOSALS BY THE FAUQUIER COUNTY PUBLIC SCHOOLS

WHEREAS, the Fauquier County School Board has developed a series of proposals which require legislative action by the Virginia General Assembly; and

WHEREAS, the Fauquier County Board of Supervisors has developed a Legislative Program which it may amend from time to time to include additional priorities; and

WHEREAS, the Fauquier County School Board has requested that the Board of Supervisors include the School Board's proposals in Fauquier County's 2004 Legislative Program; and

WHEREAS, the Board of Supervisors has determined that the inclusion of such proposals will be of benefit to all parties; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the Board of Supervisors' 2004 Legislative Program be, and is hereby, amended to include the following priorities:

Fauquier County Public Schools
2004 Legislative Priorities

Priority One:

Maintain the blended Virginia Retirement System (VRS) rates for State employees and teachers.

Background Points

- Since 2000, the Virginia Retirement System has pooled the contribution rates for State employees and teachers. This method was used to save State general fund and local dollars.
- The Virginia Retirement System Board has proposed to separate the contribution rates for State employees and teachers and increase the contribution rate for teachers from the current 3.77 percent to 8.10 percent.
- The impact of this change would mean an additional \$2,000,000 to be added to the 2004-2005 Fauquier County Public Schools' Operating Budget.

Priority Two:

Fully fund the amount required to re-benchmark the existing Standards of Quality (SOQ), using current data and actual costs.

Background Points

- Full funding of the Standards of Quality, and the categorical and incentive programs, will enable Fauquier County Public Schools to deliver the current education program to more students.
- By funding the teacher shortage through the Standards of Quality, salaries at levels that attract and retain sufficient number of highly qualified teachers can be ensured.
- Full re-benchmarking of the existing Standards of Quality will ensure that public education funding does not diminish.

Priority Three:

Fully fund the Virginia Board of Education 2003 revisions to the Standards of Quality, ensuring that reliable and predictable revenue sources are available for the State and localities to meet their shares.

Background Points

- It is the constitutional obligation of the State to share education funding with local government. Whenever the State defaults on its proper share, taxpayers must dig deeper.
- Fund our students' futures, not the past: For the first time, the Standards of Quality revisions acknowledge that dedicated technology positions are essential to delivering the foundation education program for students.
- Fully fund the proposed revised funding formula for the programs of prevention, intervention and remediation necessary for all children to meet the high State and Federal achievement standards.

Priority Four:

Maintain the school construction grants program and the integrity of the Literary Fund for school construction loans.

Background Points

- The State has an obligation to share in the funding of local school construction because State mandates and regulations drive building requirements (i.e., class size, special programs, building codes).
- Student safety and security drive construction and renovation decisions.

Priority Five:

Introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding formula.

Background Points

- Fauquier County is not eligible to receive funds under the current State Cost of Competing formula. This continues to be a hardship for Fauquier County Public Schools in terms of funding.
- Fauquier County is contiguous to Planning District 8 (PD-8) counties which do receive Cost of Competing funds. This disparity puts Fauquier County at a disadvantage in competitive hiring. The cost of living, particularly for housing, is as high in Fauquier County as it is in PD-8.
- The most recent adjustment to the school division's composite index now ranks the County fourth in the State. Fauquier County's high composite index is a misleading measure of the County's ability-to-pay. Because 65% of the land is in land use tax deferment programs – a program which the State sponsors and encourages for agricultural, forestry, and open space preservation purposes – our composite index is artificially high because the true value of those properties is not the taxable value.

APPROVAL OF THE MINUTES FOR THE DECEMBER 15, 2003 REGULAR MEETING AND JANUARY 5, 2004 ORGANIZATIONAL MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS

Mr. Graham moved to approve the minutes for the December 15, 2003 regular meeting and January 5, 2004 organizational meeting of the Fauquier County Board of Supervisors. Mr. Atherton seconded the motion. Mr. Robison then moved to amend the original motion by postponing approval of the minutes for the January 5, 2004 organizational meeting until the next regular meeting of the Board of Supervisors to be held on February 17, 2004. Mr. Graham seconded, and the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. William G. Downey</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Mr. Atherton returned to the original motion, as amended, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>Mr. Richard W. Robison</i>

A RESOLUTION TO ABOLISH CERTAIN BOARDS, COMMITTEES AND TASK FORCES APPOINTED BY THE FAUQUIER COUNTY BOARD OF SUPERVISORS IN ORDER TO STREAMLINE THE EFFECTIVE OPERATION OF COUNTY GOVERNMENT

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO ABOLISH CERTAIN BOARDS, COMMITTEES AND TASK FORCES APPOINTED BY THE FAUQUIER COUNTY BOARD OF SUPERVISORS IN ORDER TO STREAMLINE THE EFFECTIVE OPERATION OF COUNTY GOVERNMENT

WHEREAS, the Fauquier County Board of Supervisors has conducted a review of all Board-appointed boards, committees and task forces in order to clarify their current relationship to governmental operations; and

WHEREAS, the Fauquier County Board of Supervisors highly commends the service and dedication of the members of these boards, committees and task forces; and

WHEREAS, the Fauquier County Board of Supervisors acknowledges the many contributions of these boards, committees and task forces, but has determined that their missions have either been accomplished or that it is in the best interests of effective and streamlined government to abolish them; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the following boards, committees and task forces will not be reappointed, and are hereby abolished:

- The Affordable Housing Committee
- The Bealeton-Opal-Remington Service District Citizens' Planning Committee
- The Catlett-Calverton-Midland Service District Citizens' Planning Committee
- The Marshall Service District Citizens' Planning Committee
- The Warrenton Service District Citizens' Planning Committee
- The Historic Resources Committee
- The Capital Improvements Plan Committee
- The Armory Board
- The Emergency Services Task Force

A RESOLUTION TO FORWARD A REQUEST TO THE TOWN OF WARRENTON TO ENTER INTO AN AGREEMENT WITH THE COUNTY TO ADJUST THE BOUNDARY LINE BETWEEN THE TOWN AND THE COUNTY

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO FORWARD A REQUEST TO THE TOWN OF WARRENTON TO ENTER INTO AN AGREEMENT WITH THE COUNTY TO ADJUST THE BOUNDARY LINE BETWEEN THE TOWN AND THE COUNTY

WHEREAS, Home Depot USA, Inc. has proposed to construct a Home Depot on a portion of parcel number 6983-46-3320 of approximately 17 acres located in Fauquier County and adjacent to the boundary between the Town of Warrenton and the County; and

WHEREAS, the Town of Warrenton, through its Town-County Liaison Committee, has preliminarily agreed to consider an adjustment of the proposed site into the Town of Warrenton to permit the site to be served by Town water and sewer; and

WHEREAS, the public interest would be served by the provision of Town water and sewer to the proposed Home Depot site; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That a request be forwarded to the Town of Warrenton to be in the process of entering into a boundary line adjustment with the County to adjust the Home Depot site into the Town of Warrenton upon the completion of the site plan review by the County; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be authorized to execute such documents and schedule such public hearings as are necessary to accomplish the proposed boundary line adjustment.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Parks and Recreation Board – Lee District: Donald P. Johnson, Jr. appointed to fill an unexpired term ending September 30, 2004.

- Agricultural and Forestal District – Citizens at Large: Kitty Smith, Ross D’Urso, Robert H. Rogers, Mildred Riddell, and John Schied reappointed with terms to expire December 31, 2007.
- Airport Committee – Citizens at Large: Willis Risdon, Dennis Hunsberger, and Bob Newman reappointed with terms to expire December 31, 2007.
- Board of Building Appeals – Citizens at Large: Michael Catts, Andrew Crockett, James Eicher, Frank Foley, James Tucker, Wayne Carson, Philip Blankenship, and Walter Story reappointed with terms to expire December 31, 2007.
- Agricultural and Forestal District – Scott District: Lucie M. Garrett appointed with a term to expire December 31, 2007.
- Airport Committee – Scott District: Charles Medvitz reappointed with a term to expire December 31, 2007.

SUPERVISORS’ TIME

- Mr. Stribling expressed his appreciation to the people who voted for him and stated that he will strive to do a good job. Mr. Stribling stated that he and Mr. Robison attended a meeting in Richmond, hosted by the Virginia Association of Counties, to receive training for newly-elected Supervisors, and that it was a weekend well spent.
- Mr. Downey stated he was very pleased to be here and that, following the Martin Luther King Holiday, he wanted to remind everyone of the importance of tolerance.
- Mr. Atherton announced the very sad occasion of the death of Mrs. Dorothy Montgomery Rust, founder of Highland School and a very active and valued citizen of Fauquier County.
- Mr. Graham welcomed new members to the Board. Mr. Graham announced that a recent ruling by the Federal Aviation Administration (FAA) imposes stricter certification requirements for local pilots who fly passengers in their biplanes, which are similar to requirements for pilots of commercial airline carriers. Mr. Graham stated that the Board has sent a document in response to the new FAA ruling, requesting that an exemption be given to pilots of the Flying Circus Airshow.
- Mr. Robison expressed his appreciation to the voters of Center District and stated he looked forward to working with the other Supervisors in moving Fauquier County in a positive direction.

ANNOUNCEMENTS

- Mr. Lee announced that, due to the Presidents’ Day Holiday on February 16, 2004, the next regularly scheduled Board of Supervisors’ meeting will be held Tuesday, February 17, 2004. Mr. Lee also announced that on February 12, 2004, Board members will attend a legislative session in Richmond, Virginia, hosted jointly by the Virginia Association of

Counties and Virginia Municipal League, seeking support of Fauquier County's 2004 Legislative Priorities and programs.

A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$3,429,481.27

A public hearing was held to consider an amendment to the FY 2004 adopted budget for various budget related issues in the amount of \$1,877,167.18 in appropriations and \$1,552,314.09 in transfers for FY 2004, totaling \$3,429,481.27. Bryan Tippie, Budget Director, summarized the proposed budget amendment. Frank Ott, Lee District, spoke in opposition to increased spending for schools, increased taxes, and increased spending for public parks. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

**A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET
IN THE AMOUNT OF \$3,429,481.27**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2004 budget adjustments of \$3,429,481.27 for the purposes set forth below; and

WHEREAS, on January 20, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of \$1,877,167.18 in appropriations and \$1,552,314.09 in transfers, totaling \$3,429,481.27, as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
FY 2004					
Federal Funds	3-100-337000-0012	\$2,395	Library	4-302-094841-8215	\$2,395
State Funds	3-100-244100-0150	\$1,368	Sheriff's Office	4-100-031240-8201	\$1,368
Federal Funds	3-100-331000-0056	\$3,000	Sheriff's Office	4-100-031200-1201	\$3,000

Federal Funds	3-205-332000-0034	\$1,990	School Division	4-205-061123-6047-200-200	\$1,990
Federal Funds	4-302-094606-8207	\$997,131.46	School Division	4-205-061802-6050-900-000	\$997,131.46
	4-302-094606-8210	\$26,823		4-205-061803-6050-900-000	\$26,823
	4-302-094606-8212	\$577,832.48		4-205-061804-6050-900-000	\$577,832.48
	4-302-094606-8218	\$123,552.24		4-205-061805-6050-900-000	\$123,552.24
Contingency Reserve	4-100-091400-9999	\$58,000	Parks & Recreation	4-150-522760-6047	\$58,000
P&R Funds	3-150-522100-0001	\$44,100	Parks & Recreation	4-150-522100-1302	\$24,082
	3-150-522100-0002	\$18,225		4-150-900003-1302	\$419
	3-150-522100-0013	\$9,450		4-150-522100-2100	\$1,842
	3-150-522100-0056	\$2,750		4-150-900003-2100	\$32
Contingency Reserve	4-100-091400-9999	\$10,550		4-150-522100-3160	\$18,386
				4-150-522100-3600	\$1,250
				4-150-522100-5110	\$3,500
				4-150-522100-5130	\$10,000
				4-150-522100-5230	\$870
				4-150-522100-5420	\$1,500
				4-150-522100-5510	\$94
				4-150-522100-6001	\$400
				4-150-522100-6002	\$1,125
				4-150-522100-6004	\$1,000
				4-150-522100-6007	\$2,800
				4-150-522100-6011	\$150
				4-150-522100-6013	\$800
				4-150-522100-6015	\$4,725
				4-150-522100-6047	\$3,100
				4-150-522100-8201	\$9,000
CIP (Transfer)	4-302-94652-8215	\$48,498.09	School Division	4-302-94680-8215	\$48,498.09
School's Construction Reserve (Transfer)	4-302-91400-0205	\$1,486,865	School Division	4-302-94609-8215	\$1,486,865
School's Construction Fund (Transfer)	4-302-94625-8215	\$16,951	School Division	4-302-94605-8210	\$16,951
TOTAL		\$3,429,481.27			\$3,429,481.27

A RESOLUTION TO APPROPRIATE \$2,375,084 FROM THE COUNTY GENERAL FUND BALANCE TO THE CAPITAL FUND FOR A NEW HIGH SCHOOL

A public hearing was held to receive citizen comment on a request that the Board of Supervisors match the current amount reserved by the School Board of \$2,375,084 to mitigate the total cost of \$44.7 million for a new high school. Bryan Tippie, Budget Director, gave an overview of the funding request. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROPRIATE \$2,375,084 FROM THE COUNTY GENERAL FUND BALANCE TO THE CAPITAL FUND FOR A NEW HIGH SCHOOL

WHEREAS, the School Board is to be highly commended for its diligence in working with concerned citizens in addressing facility options for the growing secondary student population and in its decision to build a new high school; and

WHEREAS, as an element of that decision, the School Board established a goal of reserving \$11 million in cash by FY 2007 to mitigate the borrowing needed to build a new high school; and

WHEREAS, the School Board has requested the Board of Supervisors dedicate cash funds, dollar for dollar match with the Schools, up to \$5.5 million by FY 2007, to achieve this goal; and

WHEREAS, the School Board currently has reserved \$2,375,084 toward this goal; and

WHEREAS, the County Finance Committee has reviewed this request and has recommended the Board of Supervisors use available General Fund, Fund Balance to match the School Board's current funding of \$2,375,084; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the Fauquier County Board of Supervisors does hereby approve the appropriation of \$2,375,084 as shown in the following:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
Fund Balance	3-100-419000-0010	\$2,375,084	School Division	4-302- 091400 94609-8215	\$2,375,084

; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors will consider at least annually any further matching fund requests from the School Board based on additional funds reserved by the School Division for a new high school; and, be it

RESOLVED FURTHER, That the School Board is encouraged to achieve its cash commitment at the earliest opportunity and, if possible, to exceed its cash goal in mitigating the borrowing required for the new high school; and, be it

RESOLVED FINALLY, That the Board of Supervisors will seek to match whatever level of cash funding the School Division achieves for the new high school.

TEXT AMENDMENTS TO SECTIONS 3-301 AND 5-103 OF THE ZONING ORDINANCE

A public hearing was held to consider proposed text amendments to the Zoning Ordinance to eliminate some residential uses in the C-1 (Commercial Neighborhood) zones and to establish additional requirements and standards for residential uses as a component of mixed use development, including modifications to lot size, width, frontage, yards, open space, and parking. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendments. No one spoke. The public hearing was closed. Mr. Robison moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO SECTIONS 3-301.1 AND 5-103 OF THE FAUQUIER COUNTY ZONING ORDINANCE AFFECTING THE C-1 ZONING DISTRICT

WHEREAS, eight of Fauquier County's Service District Comprehensive Plans envision the creation of mixed-use development incorporating a mix of retail and service businesses, offices and apartments concentrated at the core of these neighborhoods in a pattern modeled after Main Street in Marshall, Remington and Warrenton; and

WHEREAS, the C-1 (Commercial Neighborhood) zoning district dominates the areas marked for mixed use development in these service districts; and

WHEREAS, the existing C-1 zoning regulations do not require or promote the mix of uses envisioned by the plan; and

WHEREAS, the existing C-1 zoning regulations do not provide the flexibility or the geometrical rules needed to develop mixed use projects in a form consistent with the Comprehensive Plan; and

WHEREAS, the proposed text amendments modify the C-1 zoning regulations such that they promote the goal of mixed use and provide the flexibility necessary to develop mixed use projects in a form consistent with the Comprehensive Plan; and

WHEREAS, on November 20, 2003 and December 20, 2003, the Planning Commission held public hearings on the issue; and

WHEREAS, on December 20, 2003, the Planning Commission voted to recommend the proposed text amendments; and

WHEREAS, on January 20, 2004, the Fauquier County Board of Supervisors held a public hearing on these amendments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That Sections 3-301 and 5-103 of the Fauquier County Zoning Ordinance be, and are hereby, amended to read as follows:

3-301 RESIDENTIAL USES (CATEGORY 1)																		
1. Residential Development	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C1	C2	C3	CV	I1	I2
a. Dwelling, Single Family Detached		P	P	P	P	P	P	P	P	P			SP			SP		
b. Dwelling, Single Family Attached	X	SE C	SE C	SE C	SE C	C	C	C	C	P	P		SP					
c. Dwelling, Multi-Family	X									P	P		SP					
d. Dwelling above Commercial	X												SE					

5-103 Standards for all Residential Uses in C-1 and CV Districts

In addition to the general standards set forth in Section 5-006 above, all residential uses shall satisfy the following standards:

1. Single Family Detached Dwellings

- a. Within the C-1 zoning district, a single family detached unit may only be constructed on a lot existing as of January 1, 2004, and only by approval of a special permit. Lots created by subdivision after January 1, 2004 may not be developed with single family residential dwellings. Additions to existing single family residential dwellings may also be approved by special permit.
- b. ~~While the C-1 and CV Zoning Districts are intended to accommodate a mixture of commercial and residential uses, and to recognize the mixed use character of many village centers in the County,~~ Residential uses allowed by special permit in such districts shall be of such scale as to avoid conflict with existing and potential commercial uses in the district where located.
- c. Single family uses shall be subject to the use regulations set forth in Part 4 of Article 3 for conventional single family residential development in the R-4 zoning district. ~~developments in the zoning districts indicated:~~

Dwelling Unit Type Zoning District
Single Family, Detached, R-4

2. Dwellings above Commercial Use

- a. Dwelling units are permitted only in buildings where the first floor is devoted to commercial use, and only by approval of a special exception. Residential use on the first floor shall be limited to the minimum area needed to provide an entrance and lobby to residential units in the building. The range of commercial uses that will be allowed in the commercial space shall be defined with the application for special exception and shall be limited by the Board to:
 - uses that are compatible with the proposed residential uses; and
 - office, retail, personal service, restaurants, amusement, or other similar uses which generate activity on the street, as determined by the Board of Supervisors.
- b. The Board may vary the minimum lot size, minimum lot frontage, minimum lot width and minimum yard requirements of the C-1 zone for mixed use buildings where it determines that such variation would result in a building form more consistent with the form of existing development in the surrounding area or would further the goals of the Comprehensive Plan, and provided that the total residential density does not exceed 8 units per acre. No front yard adjacent to a major arterial may be reduced below 150 feet from the centerline of the right-of-way, unless a lesser setback is already established by existing buildings adjacent to the proposed development along the arterial, in which case the setback may be reduced to no less than the minimum setback established by the existing building.
- c. All development shall meet the following design standards:
 - (1) Buildings shall face the street, with primary entrances facing the street.
 - (2) A minimum 14 feet of streetscape width shall be provided along all streets, to include a minimum 6 foot clear sidewalk and street trees no less than 30 feet on center.
 - (3) Parking shall be located primarily to the rear or side of buildings.
- d. In addition to the 10% minimum landscaped green space required by Section 3-409 for the C-1 zone, development incorporating 10 or more residential units shall provide a minimum of 2,000 square feet of consolidated, usable open space, with a minimum dimension of 30 feet in any direction. The consolidated open space shall be designed as an integral part of the development and shall be accessible to all residents by internal pedestrian sidewalks or walkways. An additional 200 square feet of consolidated, usable open space shall be provided for each unit over 10. The amount of consolidated, usable open space required may be reduced by the Board upon a finding that 1) sufficient usable open space is already provided in the immediate area or 2) alternative features of the proposed development provide an amenity to residents equivalent or greater than the benefit of consolidated open space.

- e. All applications shall include a parking management strategy for assuring that convenient parking is maintained and preserved for residents of the mixed use buildings. The amount of parking provided for the mixed use buildings may be reduced from the amount required in Article 7 to the extent it is demonstrated to the Board's satisfaction, through a parking study and a shared parking agreement, that lesser parking is needed because:
- (1) parking can be shared between different uses with different peak demands and/or;
 - (2) sufficient on-street spaces are available within the development or on portions of street immediately adjacent to the development to satisfy parking requirements.

TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES REGARDING MULTIPLE USER SEWAGE DISPOSAL SYSTEMS

A public hearing was held to consider proposed amendments to the Zoning Ordinance that effect Sections 2-503, 3-330, 5-2002.6, 7-502, 7-503, 12-501.12 and 12-612, as well as Subsection 4-11.2.A of the Subdivision Ordinance. The proposed revisions result in: (1) the elimination of central public and private sewer systems as a treatment option outside service districts, except for health and remediation correction of failing septic systems; and (2) the establishment of limitations for central community wastewater treatment systems in "non-sewered areas" in designated service districts. Rick Carr, Director of Community Development, summarized the proposed text amendments. Chuck Medvitz, Scott District, spoke in favor of the amendments and asked the Board to consider the potential for sewer capacity limitations. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

ORDINANCE

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE SUBDIVISION AND ZONING ORDINANCES TO RESTRICT USE OF MULTIPLE USER SEWAGE DISPOSAL SYSTEMS TO SERVICE DISTRICTS

WHEREAS, the Zoning and Subdivision Ordinances currently permit non-public sewer systems in service districts; and

WHEREAS, the Zoning and Subdivision Ordinances currently permit public and multiple user sewer systems outside of service districts; and

WHEREAS, the Board of Supervisors wishes to restrict public and multiple user sewer systems to service districts only; and

WHEREAS, the Board of Supervisors wishes to require the use of only public sewer systems in service districts; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the Fauquier County Zoning Ordinance be, and is hereby, amended to read as follows:

~~Section 2-503 Sewer and Water Facility Requirements~~

Note: Relocated to Section 7-503 1.

~~All structures built hereafter shall meet the requirements forth in the Health Department regulations, the Subdivision Ordinance and this Ordinance.~~

3-330 Waiver of Public Sewer Requirement

This section includes provisions for the non-residential categories; represents a housecleaning revision needed for clarity.

(Category 30)

RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MD P	C-1	C-2	C-3	CV	I-1	I-2
		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE

Section 5-2002.6 is deleted: ~~A special exception for a private sewage treatment system may be allowed for new construction for Commercial or Industrial uses outside of service districts provided that the system is operated under the control of the Fauquier County Water and Sanitation Authority, or a Class III wastewater operator which holds a current permit licensed in the State of Virginia. In approving such a system, the Board may establish conditions including but not limited to use, maintenance, and testing.~~

Note: This does not preclude use of individual systems for each industrial or commercial use; it excludes central systems outside service district areas, except for remediation purposes.

~~Public sewer shall be required for all residential subdivisions, multifamily or townhouse development of 25 or more lots or units under the following circumstances:~~

- ~~A. Within the Bealeton, Marshall, New Baltimore, Opal, Remington and Warrenton service districts, except in those areas designated as non-sewered and/or non public water growth areas in the Comprehensive Plan.~~
 - ~~B. Outside service districts in the R-1, R-2, RR-2 and V zones.~~
 - ~~C. The requirement for a public sewer system may be removed by special exception pursuant to Sections 5-3000.~~
1. Except as described herein, public sewer shall be required for all lots and dwelling units located in any service district in which public sewer is available. ~~Provided that public sewer is not required:-~~
 2. However, public sewer is not required:
 - a) Within the Catlett, Calverton and Midland Service Districts; or
 - b) In any area of a service district designated as a non-sewered growth area in the Comprehensive Plan.

- c) In any area where the requirement for public sewer system has been removed by special exception pursuant to Section 3-330 and the general and specific standards contained in Article 5 of this Zoning Ordinance.
3. Public and private central sewer systems shall not be permitted outside of any service district, nor permitted inside designated non-sewered areas within service districts of the Comprehensive Plan, except to correct existing health problems on developed lots. For purposes of this subsection the term “sewer system” shall be defined as any sewage disposal system serving two or more lots or dwelling units. Notwithstanding any other provision of this subsection to the contrary multiple use sewage disposal systems may be authorized outside of service district pursuant to Section 3-320 and the general and specific standards contained in Article 5 of this Zoning Ordinance when necessary to remediate a failed drainfield serving an existing use, which has been certified by the Virginia Health Department to pose a real or potential health threat and multiple use system is the only alternative for repair.

For existing lots with failing drainfields in designated non-sewered areas, within Service Districts of the Comprehensive Plan, the health mitigation priorities order are: (1) installation of individual alternative systems for each lot; (2) connection to a public sewer system; and, as a last resort, for clustered failures affecting 15 or more lots, (3) a community wastewater system that provides advanced wastewater treatment capable of biological nutrient removal (package treatment) designed to the established standards and best management practices Community Wastewater System Standards, Utility Standards and Rules and Regulations of the Fauquier County Water and Sanitation Authority (WSA) for the specified watershed location. Such community wastewater treatment systems must be owned and operated by the WSA. An amendment to the Comprehensive Plan for any remediation area being connected to a public sewer system or community wastewater system shall be required and limited to the effected developed lots.

Planning Commission substituted the WSA recommended language.

Section 7-503 ~~Central Water System~~

~~Whenever a public water system is not required, a freestanding central water system shall be designed and constructed to serve all lots within a subdivision of seven or more lots, unless a special exception is obtained in accordance with the terms of Section 5-3100.~~

Replace with:

Added sewer systems to this element as presented below.

Section 7-503 Sewer and Water Facility Design and Construction Requirements.

1. All public or central water and/or sewer facilities shall be designed and constructed to meet any applicable requirements of the Virginia Department of Health, Fauquier County Water and Sanitation Authority, the Subdivision Ordinance and this Ordinance.

2. In subdivisions in the RA and RC zones containing 25 or more lots, the required central water system shall be designed and constructed to provide adequate fire flows as determined by the Virginia Department of Health.

Section 12-501 12. Existing and proposed water and sanitary facilities indicating all pipe sizes, types and grades and where connection is to be made to an existing or proposed public or central water and sewer system.

Note: one of 45 listed requirements for any site plan application.

Section 12-612 Utilities

3. ~~When central water and/or sewer systems having sufficient capacity either exist or are proposed within reasonable distance of the area of the site plan, provisions shall be made to connect to the system.~~

Note: This item is deleted as surplus language; stated elsewhere within the Zoning Ordinance; need to renumber Section 12-612 accordingly. Numbers 6 and 7 below are clarification refinements.

- 5.3. Where a development is to be served by public or central water and/or sewerage, the availability of connections adequate to serve the proposal shall be reserved by the developer, and fees required therefore paid and any agreements required by the provider of such services executed prior to site plan approval. Payment in full for such connections, or other arrangements acceptable to the provider of services shall be made prior to the issuance of a building permit.

- 6.4. The cost of providing reasonable and necessary sewerage, water and drainage facilities, located outside the property limits of the land owned or controlled by the ~~subdivider or~~ developer but necessitated or required, at least in part, by the construction or improvement of his ~~subdivision or~~ development, shall be in accordance with Section ~~15.1466(j)~~ 15.2-2243 of the Code of Virginia; and

- B. Subsection 4-11.2)A) of the Fauquier County Subdivision Ordinance be, and is hereby, amended as follows:

Section 4-11 Sanitary Sewer and Water

2) Additional Requirements-Service Districts

- A) Sewer shall be required in service districts as set forth in Section 7-502 of the Fauquier County Zoning Ordinance.

PROPOSED STREET NAME CHANGE – ASHBY PLACE TO ENDURO RUN, CEDAR RUN DISTRICT – BRIAN AND JAIMIE RUSSELL, APPLICANTS

A public hearing was held to consider a petition to change the official name of Ashby Place to Enduro Run. Ashby Place currently serves three (3) residential dwellings and is located on the west side of Midland Road (Route 610) approximately 1,500 feet north of Ensors Shop Road (Route 637). Rick Carr, Director of Community Development, summarized the application. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO AMEND THE OFFICIAL STREET NAMES AND PROPERTY NUMBERING ATLAS OF FAUQUIER COUNTY AND TO RENAME THE PRIVATE STREET KNOWN AS ASHBY PLACE TO ENDURO RUN

WHEREAS, in conjunction with the E-911 street addressing program, certain street names were assigned which property owners would like to change; and

WHEREAS, Section 5-9 of the Fauquier County Code authorizes the Board of Supervisors to change street names; and

WHEREAS, a petition has been submitted which contains signatures from the majority of property owners on Ashby Place who approve of the name change to Enduro Run; and

WHEREAS, Ashby Place is an existing private street located on the west side of Midland Road (Route 610); and

WHEREAS, the Fauquier County Board of Supervisors has advertised and held a public hearing on January 20, 2004 to consider the following street name change; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the Official Street Names and Property Numbering Atlas be, and is hereby, amended to adopt the following street name change:

EXISTING NAME

Ashby Place

NEW NAME

Enduro Run

SPECIAL EXCEPTION #SPEX04-MA-010 – JAMES R. GREEN, JR., OWNER /APPLICANT

A public hearing was held to consider an application for special exception approval under Category 26, which would allow for a reduction in the non-common open space requirement. The property is located on the south side of John Marshall Highway (Route 55), Marshall District, further identified as PIN #6031-14-6213-000. Rick Carr, Director of Community

Development, summarized the application, with the recommendation that condition #4 be removed. James Green, applicant, requested favorable consideration of the Special Exception application and asked that condition #4 be abandoned. Major Warner, Marshall District, Roy Hyde, Marshall District, and Jack Flikeid, Executive Director of Habitat for Humanity, spoke in favor of the application. Deborah Bodella, Marshall District, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution, subject to the removal of condition #4. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPEX04-MA-010 A CATEGORY 26 SPECIAL EXCEPTION FOR A REDUCTION IN NON-COMMON OPEN SPACE OWNER/APPLICANT – JAMES R. GREEN, JR.

WHEREAS, James R. Green, Jr., owner of the property identified by PIN 6031-14-6213-000, has requested a Category 26 Special Exception to reduce the required non-common open space in an RA zone pursuant to Article 3-326, 5-2600 and 5-2601 of the Zoning Ordinance; and

WHEREAS, the requested Special Exception is preparatory to a single division of this property; and

WHEREAS, the property owner agrees to no further division of either parcel created by the proposed single division; and

WHEREAS, on December 20, 2003, the Fauquier County Planning Commission held a public hearing and considered oral and written testimony; and

WHEREAS, on December 18, 2003, the Planning Commission voted unanimously to forward Special Exception SPEX04-MA-010 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That Special Exception SPEX04-MA-010, James R. Green, Jr., Applicant, be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A deed of non-common open space shall be recorded on the ± 25.46 acre residue parcel prior to Final Subdivision approval of Lot 3. The applicant agrees to not construct a residential dwelling that requires crossing the floodplain for access or construction.

~~4. A note should be added to the plat indicating that all lots shall access from a single point of entry within the 50 foot ingress/egress easement shown on the Special Exception Plat.~~

4. The Boundary Line Adjustments shall be recorded prior to Final Subdivision approval of Lot 3.
5. Once Lot 3 has been subdivided and recorded, no further subdivision shall be permitted on PIN# 6031-14-7251-000 or any lots created from PIN# 6031-14-7251-000.
6. The applicant agrees that proposed Lot 3 shall be conveyed to Habitat for Humanity or other affordable housing entity acceptable to the County. No building permit shall be issued for Lot 3 until that conveyance has been completed. If Lot 3 is not conveyed for affordable housing purposes, the lot area shall be vacated within five (5) years of the date of this Special Exception.

SPECIAL EXCEPTION #SPEX04-CR-011 – DAVID C. DILLEN, OWNER, AND JOHN C. AND PATRICIA B. NORTH, APPLICANTS – MELROSE CASTLE

A public hearing was held to consider an application to obtain special exception approval under Category 9, which would allow for a variety of special events, to include weddings, corporate events and retreats. The property is located on the southeast side of Rogues Road (Route 602), Cedar Run District, further identified as PIN #7902-89-5059-000. Elizabeth Cook, Chief of Planning, summarized the application. John North, applicant, requested favorable consideration of the application. Nancy Crawford, Chris Baker, Jud Fischel, Susan Carter, Greg Huddleston, Jolly DeGive, Wendy Breeden, Martin Berkofski, Tammy Baker, and Carol Goshorn, Cedar Run District, spoke in opposition to the special exception application. Ray Hyde, Marshall District, stated that the road needs repair, regardless of the outcome of the special exception application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***

Nays: ***None***

Absent During Vote: ***None***

Abstention: ***None***

RESOLUTION

**A RESOLUTION TO DENY A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW
FOR A VARIETY OF SPECIAL EVENTS TO INCLUDE WEDDINGS,
CORPORATE EVENTS AND RETREATS**

WHEREAS, John C. and Patricia B. North, the applicants, have requested Special Exception approval for a variety of Class C events or activities on a ±50-acre parcel, in the Rural Agriculture zoning district pursuant to Articles 3-309 and 5-916 of the Zoning Ordinance; and

WHEREAS, on November 20, 2003 and December 18, 2003, the Fauquier County Planning Commission held public hearings on the request and considered oral and written testimony; and

WHEREAS, on December 1, 2003, the Fauquier County Planning Commission visited Melrose Castle and Rogues Road; and

WHEREAS, on December 18, 2003, the Planning Commission forwarded the application to the Board of Supervisors with a recommendation of denial based on the following reasons:

1. The proposal does not meet the standards set forth in Article 5-916.2 of the Fauquier County Zoning Ordinance, which states that sites eligible for Class C events shall contain a minimum of 300 feet of road frontage on a road designated by the County as a Major collector (or higher) in the Comprehensive Plan;
2. The type and amount of traffic generated from the events would adversely affect the safety of road usage;
3. The type of events and amount of traffic would negatively affect the surrounding properties;
4. The type of application is not compatible to the neighboring agricultural and equestrian land uses;
5. The proposal does not meet the standards set forth in Article 5-006.2 of the Zoning Ordinance; and

WHEREAS, on January 20, 2004, the Fauquier County Board of Supervisors held a public hearing and concurred with the judgment of the Planning Commission; and

WHEREAS, by the adoption of this Resolution, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice are not satisfied by this proposed Special Exception application; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That the Special Exception (SPEX04-CR-011) request of John C. and Patricia B. North be, and is hereby, denied.

SPECIAL EXCEPTION #SPEX04-MA-014 – FAUQUIER HABITAT FOR HUMANITY, OWNER/APPLICANT

A public hearing was held to consider an application to obtain special exception approval under Category 20 which would permit an individual sewer treatment facility with discharge to a stream. The property contains 2.5 acres and is located at 8542 Turnbull Road, Marshall District, further identified as PIN #6962-27-9169-000 and PIN #6962-27-6098-000. Elizabeth Cook, Chief of Planning, provided a summary of the application. Jack Flikeid, Executive Director of Habitat for Humanity, requested favorable consideration of the application. No one else spoke. Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW THE CONSTRUCTION OF A PRIVATE, INDIVIDUAL WASTEWATER TREATMENT SYSTEM WITH A POINT OF DISCHARGE, FAUQUIER HABITAT FOR HUMANITY, OWNER/APPLICANT

WHEREAS, Section 5-2002.5 provides that a Special Exception for a private individual sewage treatment system, which discharges into an open ditch or water, shall be allowed only to replace an existing sewage system presently serving an existing use; and

WHEREAS, Fauquier Habitat for Humanity, the applicant, has requested a Special Exception pursuant to Section 5-2002.5; and

WHEREAS, the existing sewage system serving the applicant's property has failed and has been certified by the Virginia Department of Health to pose a real or potential health threat; and

WHEREAS, the Virginia Department of Health has also certified that a discharging sewage treatment system is the only alternative for the repair of this failed system; and

WHEREAS, the applicant has provided the appropriate notification to residents down stream as required by Section 17-12 of the County Code; and

WHEREAS, on December 18, 2003, the Planning Commission conducted a public hearing on this request and determined that the applicant has met the requirements of Section 5-2002.5 of the Zoning Ordinance; and

WHEREAS, the Planning Commission has forwarded SPEX04-MA-014 to the Board of Supervisors with a recommendation of approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of January 2004, That SPEX04-MA-014 to allow Fauquier Habitat for Humanity to construct an individual wastewater treatment system with a point of discharge be, and is hereby, approved, subject to the following conditions:

1. The applicant shall obtain all applicable permits from the Health Department and DEQ (VPDES permits).
2. An annual operation and maintenance program shall be submitted by the design engineer and approved by the Health Department.
3. The approved annual operation and maintenance program shall be contracted to a qualified and licensed professional operator.
4. Evidence of a continuing operation and maintenance program and a report on system performance shall be submitted annually to the Health Department and Zoning Department to ensure compliance with this Special Exception.

COMPREHENSIVE PLAN AMENDMENT #CPA03-S-09 AND REZONING REQUEST #RZ03-S-17 – GAINES TRUST, W. ROBERT GAINES TRUSTEE, OWNER, AND ANGLER DEVELOPMENT LLC, APPLICANT – BISHOP’S RUN

A public hearing was held to consider a Comprehensive Plan Amendment to change the land use designations from Low Density Residential, Commercial Neighborhood and Mixed Use Neighborhood Up to 3 Dwellings Per Acre to a new land use designation of Low Density Residential up to 3 Dwelling Per Acre (single family attached permitted). The applicant also wishes to rezone ± 53.75 acres from Residential-1 (R-1) and Commercial Neighborhood (C-1) to Residential-4 (R-4) Conventional and Cluster for the purpose of developing 148 residential units with approximately 69 single family lots and 79 single family attached units and to rezone 9.14 acres from Commercial Neighborhood (C-1) to Commercial Neighborhood (C-1) with proffers permitting 65,000 square feet of commercial/retail/office space including a day care facility and up to 20 second story apartments. The property is located on the east and west sides of Riley Road (Route 676) north of Broad Run Church Road (Route 600), Scott District, further identified as PIN #7916-22-4949-000 and PIN #7916-12-8941-000. Elizabeth Cook, Chief of Planning, summarized the proposed Comprehensive Plan Amendment and application for rezoning. Alice Haas, attorney representing the applicant, requested a deferral of up to sixty days. Maureen Riordan, Scott District, Meredith Whiting, Chuck Medvitz, Scott District, Ennis McMillan, Scott District, Kitty Smith, Marshall District, Peter Karanovich, Scott District, Jolly DeGive, Piedmont Environmental Council, Judy Lamonica, Marshall District, Michael Strojni, Robert Myers, Scott District, Yak Lubowsky, Center District, and Barbara Severin, Scott District, spoke in opposition to the applications. Larry Glock, Center District, asked the Board to consider the costs of any Comprehensive Plan Amendments. Warren Darryl, Center District, representing the New Baltimore Volunteer Fire Department, spoke in favor of the applications. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone a decision for up to sixty days, at the request of the applicant. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

REZONING #REZN04-SC-003 – LEOCADE LEIGHTON, APPLICANT

A public hearing was held to consider an application to downzone approximately 1.0 acres from Residential-2 (R-2) to Residential-1 (R-1). The property is located at 7044 Riley Road in the New Baltimore Service District, Scott District, further identified as PIN #7905-86-6547-000. Mr. Atherton waived a staff report. Leocade Leighton, applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
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Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE REZN04-SC-003: THE REZONING OF APPROXIMATELY ONE ACRE FROM R-2 TO R-1; LEOCADE LEIGHTON, OWNER AND APPLICANT

WHEREAS, Leocade Leighton, owner and applicant, has filed a rezoning request to down zone her one acre parcel from Residential-2 (R-2) to Residential-1 (R-1) to fulfill a proffered condition; and

WHEREAS, on July 21, 2003, the Fauquier County Board of Supervisors rezoned the applicant's property from Residential-1 (R-1) to Residential-2 (R-2) to allow the platting of a legal lot without creating any net gain in subdivision density; and

WHEREAS, as a condition of that July 21, 2003 rezoning, the applicant proffered to file a rezoning application to down zone the property to R-1 once the final subdivision plat was recorded; and

WHEREAS, the property identified as PIN: 7905-86-6547-000 has now been officially approved with a Final Plat recorded on November 17, 2003; and

WHEREAS, on December 18, 2003, the Planning Commission conducted a public hearing on REZN04-SC-003 and forwarded a recommendation of approval to the Board of Supervisors; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of January 2004, That REZN04-SC-003 be, and is hereby, approved.

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on January 20, 2004.

G. Robert Lee
Clerk to the Board of Supervisors